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10 Kieva Myers, individually, and on behalf of a class
of similarly situated individuals

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

14 KIEVA MYERS, individually, and on
15 behalf of a class of similarly situated
individuals.

16 || Plaintiff,

17 || v.

18 BMW OF NORTH AMERICA, LLC,
19 BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT,

20 Defendants.

} NO. 3:16-CV-00412-WHO
}
Hon. William H. Orrick
}
**AGREED ADMINISTRATIVE
MOTION, STIPULATION AND
ORDER,**
}
**CONTINUING HEARING ON
MOTIONS TO DISMISS, ETC. OF
DEFENDANTS BMW OF NORTH
AMERICA LLC AND
BAVERISCHE MOTOREN
WERKKE
AKTIENGESELLSCHAFT**
}
}[
[Civil L.R. 7-11]

Plaintiff Kieva Myers (“Plaintiff”) respectfully submits this agreed administrative motion to continue the August 31st hearing on Defendants motions to

1 dismiss and to alter the previous briefing schedule in connection with said motions.
2 This motion is based on the stipulation contained herein and upon any such other
3 matters that his Court deems appropriate.

4 **UVKRWNCVKQP"**

5 Plaintiff and Defendants BMW of North America LLC and Baverische
6 Motoren Werkke Aktiengesellschaft ("BMW" or "Defendants"), by and through
7 their respective undersigned counsel of record, hereby stipulate and agree as
8 follows pursuant to Northern District of California Civil Local Rule ("Civil Local
9 Rule") 7-11(a):

10 WHEREAS, Plaintiff filed a first amended complaint on April 12, 2016 [Dkt.
11 18];

12 WHEREAS, Defendants filed two separate motions to dismiss directed to the
13 First Amended Complaint on July 20, 2016 [Dkt.'s 21-23];

14 WHEREAS, Plaintiff needs additional time to prepare the opposition to the
15 two motions;

16 WHEREAS, BMW is agreeable to continuing the hearing and revising the
17 briefing schedule;

18 WHEREAS, the parties agreed that the hearing of the motion is hereby
19 continued to September 22, 2016, during the week counsel for BMW represented
20 he is available for the hearing;

21 IT IS HEREBY STIPULATED AND AGREED that the hearing of the
22 motions to dismiss, presently scheduled for August 31, 2016, is continued to
23 September 22, 2016, and Plaintiff shall file her opposing papers no later than
24 August 18, 2016, while BMW shall file the reply papers no later than September 1,
25 2016.

26

27

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1 **IT IS HEREBY STIPULATED**

2 DATED: July 25, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

4 By: /s/ Eric Y. Kizirian

5 Eric Y. Kizirian

6 Attorneys for Defendant BMW of North
America, LLC

7 DATED: July 25, 2016

8 THE LAW OFFICES OF STEPHEN M.
HARRIS, P.C.

10 By: /s/ Stephen M. Harris

11 Attorney for Plaintiff Kieva Myers

14 **Civil L.R. 5-1(i) And General Order 45 Certification**

15 The filing attorney hereby certifies that concurrence in the filing of the document has been obtained
from each of the other signatories, in full accordance with Civil Local Rule 5-1(i), and N.D. Cal. Gen.
Order 45, Section X(B).

17 **ORDER**

18 **J gctkpi 'eqpvlpwgf 'q'Ugrwgo dgt '43.'4238'cv4<22't0 0**

19 **PURSUANT TO STIPULATION *cu'b qf Hgft +, IT IS SO ORDERED.**

20 DATED: July 26, 2016


21 HON. WILLIAM H. ORRICK
22 JUDGE UNITED STATES
23 UNITED STATES DISTRICT
24 COURT